IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION NO : 23574 of 2004**

Between:

Smt.T.Vijaya Kumar, w/o T.Raja Gopal Reddy,
r/o Melaboy Village, Madakasira Mandal, Anantapur District.

**..... PETITIONER**

AND

1 The Revenue Divisional officer, Penukonda, Anantapur District.
2 The Mandal Revenue Officer, Madakasira, Anantapur District.

**.....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ or direction declaring the action of the respondents in issuing the impugned proceedings in No.2096/04E dated 3-12-2004 as illegal, arbitrary and consequently direct the respondents to release the stocks to the petitioner for distributing the essential commodities to the card holders and pass such other or further orders.

**Counsel for the Petitioner:MR.O.MANOHER REDDY**

**Counsel for the Respondents: GP FOR CIVIL SUPPLIES**

**The Court made the following :**

**ORDER:**

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Petitioner was appointed as a temporary dealer in the year 2001. Alleging that the Mandal Revenue Officer, 2nd respondent, is not receiving the demand drafts submitted by her for supply of essential commodities, she made a representation to the District Collector, and on his instructions, the supplies were released. The grievance of the petitioner is that the 1st respondent has issued a show cause notice to her proposing to cancel the authorization, on the ground that she did not submit the demand draft for the month of November, 2004, within the stipulated time. The show cause notice is challenged in this writ petition.

On behalf of respondents, a counter affidavit is filed. It is stated that all the dealers in the revenue division were informed that they shall deposit the demand drafts by 15th of every month, so that the cardholders are not put to hardship, and despite the same, the petitioner delayed the deposit of demand draft. They also raised an objection as to the maintainability of the writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner narrated certain instances of refusal, by the 2nd respondent, to receive the demand drafts for release of essential commodities. The truth or otherwise of the

same cannot be considered in this writ petition. As of now, she is issued only a show- cause notice, dated 03.12.2004. The explanation is said to have been filed. The 1st respondent has to take into account the circumstances under which any delay had occurred in submitting the demand draft as well as the effect thereof. It is not as if every omission would entail in severe action. The petitioner can be said to have suffered any detriment, if only any action is taken adverse to her interest.

Therefore, the writ petition is disposed of leaving it open to the 1st respondent to pass appropriate orders in pursuance of show cause notice issued by him, duly taking into account the explanation submitted by the petitioner. It shall also be open to the petitioner to place such material as she intends to, before the 1st respondent. It goes without saying that the petitioner shall be entitled to supply the essential commodities till any order is passed against her. There shall be no order as to costs.

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**(L.NARASIMHA REDDY,J)**

Date: 10-02-2005

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To

1 The Revenue Divisional officer, Penukonda, Anantapur District.
2 The Mandal Revenue Officer, Madakasira, Anantapur District.

3. 2CCs to the Government Pleader for Civil Supplies, High Court of A.P.,

Hyderabad.(OUT)

4. 2CD copies